VWAP Roles and Responsibilities

Maj Sameit
HQMC, VWAP
703 693 8955

Parties involved in the VWAP

- Component Responsible Official (SJA to CMC)
- Local Responsible Official (Installation Commanders)
- Unit Commanders
- SJA
- LSST OIC
- Law Enforcement
- RVWLO
- VWLO
- VWAC
- Trial Counsel
- Victim Legal Counsel
- Service Providers
- Confinement CO/OIC

SJA to CMC

- Coordinate, implement and manage the VWAP
- Receive complete VWAP reports and forward to SecNav
- Designate a Functional Area Manager for FAC (092)

COMMCICOM, MFR, and Regional MCI Commanders

- Ensure that the VWAP is properly implemented by installation Commanders
- Appoint a Regional VWLO to ensure compliance with VWAP
- Report data to HQMC wrt DD form 27XX

Installation Commanders

- Ensure coordination between VWAP reps, law enforcement, legal service providers, medical facilities, corrections facilities, and Marine and Family programs
- Establish a local Victim Witness Assistance Council

Unit Commanders

- Appoint a VWAC in writing
- Protect victims to the extent possible
- Provide annual training to their personnel

SJA

- Advise the Commander on the VWAP

LSST OIC

- Appoint a VWAC to the Victim Witness Council
- Supervise TCs
- Ensure CMS data wrt VWAP is entered correctly and completely

Law Enforcement

- Appoint a VWAC to the Victim Witness Council
- Provide DD 2701 forms to victims and witnesses
- Maintain data on the number of victims and witnesses provided DD 2701s
- Provide a threat assessment as required
- Notify Command VWAC when investigation cases with an accused or victim that is the member of the command

RVWLO

- Ensures training is **available** to all VWLOs and VWACs
- Maintains list of all VWLOs in region
- Chair semi-annual Regional VWLO Meeting
- Ensure data (2701-2704) collection for the region
- Available to inspect VWLOs and VWACs as part of CGIP

VWLO

- Ensures coordination among all offices
- Maintains list of all VWACs
- Ensures VWACs have relevant information, including VWAC roster and directory of local services/programs
- Chairs VWAP Council
- Ensures victims are notified of all support, services and rights available and VWAC information.
- Assists Base CO in reporting requirements

VWLO

- “Maintain a directory of military and civilian programs and services . . . within geographic area of the installation.”
- If necessary, assist in contacting the people responsible for providing victim and witness services and relief
- VWLO – Maintains Base VWAP website

VWAC

- Officer/SNCO/Civilian Equivalent
- Victim
  - Ensure victim understands rights
    - Provided 2701
  - Find out if victim feels in danger/needs MPO
  - Ensure victim is in touch with MFS, VWLC, & SAPR if appropriate
  - Assist in obtaining counseling as necessary
  - Discuss availability of transitional comp and other civilian resources

VWAC

- If charges preferred
  - Ensure TC accounts for victim's views about trial/sentencing/pta
  - Ensure victim is aware of ALL trial milestones and rights including right to a copy of the Record of Trial
- Provide annual training to the Command

Trial Counsel

- Once assigned to a case must:
  - Identify victims and witnesses
  - Provide DD 2702
  - Ensure victims/witnesses are provided information about MJ process, including what to expect from the system, what the system expects from them, and the stages of the MJ process
  - Comply with notification requirements
  - Comply with consultation requirement

TC - Notification Requirements

- When a victim has requested notification, must advised of:
  - Pretrial confinement status of suspected offender
  - Date charges are preferred and / or referred and the nature of the charges
  - Acceptance of a pretrial agreement
  - Scheduling of court proceedings
  - Findings of a court-martial
  - Sentence adjudged
  - Convening authority’s action regarding findings and sentence
- TC must notify all victims who have been scheduled to attend any MJ proceedings of scheduling changes that affect their appearance
- TC must notify of right to the record of trial in a sexual assault case

TC - Notification Requirements

- When a witness has requested notification, must advise of:
  - Acceptance of a plea
  - Findings of a court-martial
  - Sentence adjudged
  - Convening authority's action regarding findings and sentence
- TC must notify all witnesses who have been scheduled to attend any MJ proceedings of scheduling changes that affect their appearance

TC - Consultation Requirement

- Victims have a designated advisory role in decisions involving prosecutorial discretion such as plea bargaining
- TC shall ensure victims are aware of the right to act in this advisory capacity
- When a victim has elected to act in advisory capacity, TC shall ensure victim's views regarding prosecution and plea negotiations are obtained and forwarded to convening authority

TC - Other Assistance

- Separate waiting room
- Provide victims/witnesses with information concerning services such as transportation, parking, child care, lodging, translators and interpreters
- Take reasonable steps to inform employers that victim/witness is involved in court-martial (upon request)
- Contact creditor if victim/witness subject to serious financial strain caused by crime or cooperation in investigation / prosecution
- Safeguard victim’s property held as evidence and return it as soon as possible

TC - Sentencing

- Inform victims of the opportunity to present evidence to the court at sentencing, including statement concerning impact of the crime, such as financial, psychological and physical harm

Victim Legal Counsel

- Not yet included in the current VWAP Order
  - Provide counseling to all victims of their rights.
  - Represent eligible sexual assault victims throughout the court-martial process.
  - Represent eligible victims on mental health, victim advocate, or prior sexual act motions.

Service Providers

- Varies depending on the service provider

Brig and PTC Facility CO/OIC

- Appoint a VWAC to the Victim Witness Assistance Council
- Manage victim and witness information in a central repository
- Provide notification with regards to prisoner status change pursuant to DD 2704 election